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the defendant of the real nature of the proceedings against him; had defendant appeared and examined the petition, he would have discovered the real county in which judgment was rendered; further, it was not likely that the owner of the land would have more than one such foreign judgment pending against him. Accordingly the notice was held sufficient, and the judgment valid on collateral attack.

MASTER AND SERVANT—LIABILITY OF MASTER FOR ACTS OF STRANGER PERFORMED AT SERVANT'S REQUEST.—A bystander, while assisting defendant's driver, at the driver's request, in fixing a dump cart, pulled a blanket caught between the seat and the sweep of the cart, causing the cart to wheel around, and the pole to strike plaintiff, or glass broken by the pole to injure the plaintiff. *Held*, defendant is liable. *Hollidge v. Duncan* (1908), — Mass. —, 85 N. E. 186.

The court based its decision not upon the principles of agency, but held that the act of the bystander was the same as if done by the agent himself. Some cases supporting this doctrine are: *Hill v. Sheenan*, 20 N. Y. Supp. 529, where a master intrusted a horse to his servant to be delivered at a certain place, the servant in turn intrusted it to a friend, injury resulted and the master was held liable; *Lakin v. Oregon Pacific Railroad Company*, 15 Or. 220, where an engineer left defendant's engine in charge of a stranger, and injuries resulted from the stranger's attempt to run the engine, the defendant was held liable; *Simons v. Monier*, 29 Barb. 419; and *Althorf v. Wolfe*, 22 N. Y. 355, in each of which the master ordered the particular act to be done by the servant. None of the cases goes so far as to hold the master liable where the servant has not requested, or at least acquiesced in the stranger's assistance. *Edwards v. Jones*, 67 How. Prac. (N. Y.) 177. The nature of the business is sometimes such that authority of a servant to employ assistance is implied. *Gleason v. Amsdell*, 9 Daly 393; *Montgomery Gas Light Co. v. Montgomery & Eupaula Railway Co.*, 86 Ala. 372. Cases contrary to the doctrine of the principal case are *Throp v. Minor*, 109 N. C. 152; 13 S. E. 702, with facts substantially the same as those of *Hill v. Sheenan*, *supra*, but holding differently; *Halupzok v. Great Northern Railway Company*, 55 Minn. 446; 26 L. R. A. 739, which holds the master liable only when the servant had authority to employ assistance, but such authority may be implied when the person guilty of negligence was rendering service for the master by his consent, express or implied; *Mangan v. Michael*, 33 Mo. App. 250, where the defendant was not held liable for the negligence of a stranger whom his driver hired to drive his team and without his knowledge or consent; *James v. Muehlebach*, 34 Mo. 512, where the defendant was not liable unless his servant requested the stranger to do the particular act resulting in injury. When the servant furnishes the controlling will, by directing the acts of the stranger, there seems to be good reason for saying that the liability for the culpable conduct of the stranger is the same as if it was that of the servant. On principle it seems hard to justify those cases which go farther than this.